IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 17550 of 2007(S)

PETITIONERS:
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1. SUDHIR KUMAR PATEL, AGED 36 YEARS
SON OF PRABHUDAS D PATEL
FLAT NO.104, KALATMAK RESIDENCY
VIDYA NAGAR, KOCHI-682020

2. JOSEPH MAMMEN, AGED 35 YEARS
SON OF JOSEPH MAMMEN
FLAT NO.003, KALATMAK RESIDENCY
VIDYA NAGAR, KOCHI-682020

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:
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1. KERALA STATE POLLUTION CONTROL BOARD
REPRESENTED BY ITS CHIEF ENVIRONMENTAL
ENGINEER, GANDHI NAGAR, ERNAKULAM-682 020

2. THE COMMISSIONER OF POLICE,
SHANMUGHAM ROAD, ERNAKULAM

3. M/S.EMPIRE BUILDERS
LION TOWER, IVTH FLOOR,
HIGH COURT JUNCTION, ERNAKULAM

R1 BY STANDING COUNSEL SRI M.K.CHANDRAMOHAN DAS

R2 BY SENIOR GOVERNMENT PLEADER SRI M.R.SABU

R3 BY ADV. SRI.GEORGE THOMAS (MEVADA)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.P.(C) No.17550 of 2007

Dated, this the 29th day of June, 2007

JUDGMENT

H.L. DATTU, CJ.

Public spirited citizens are before us for the following reliefs:

i. To issue a writ of certiorari calling for the records leading to Ext.P4 and quash the same.

ii. To issue a writ, direction or order in the nature of mandamus or such other appropriate writ, direction or order, directing the respondents 1 and 2 to to see that no construction is being carried out, which is the subject matter of Exhibit P3 order, by the 3rd respondent and its sub-contractors, workers etc.

iii. To issue a writ, direction or order in the nature of mandamus or such other appropriate writ, direction or order restraining the 3rd respondent and its sub-contractors, workers, etc. from proceeding with the construction activities in their property, referred to in Exhibit P3.

iv. To issue a writ, direction or order in the nature of mandamus or such other appropriate writ, direction or order, directing the respondents 1 and 2 to prosecute the 3rd respondent and its sub-contractors, workers etc. who have violated the laws of the country by proceeding with the construction activities in their property referred to in Exhibit P3.

v. Such other reliefs which this Hon'ble Court deems fit and necessary in the circumstances of the case and the costs of this case."

2. Some of the persons who are residing in the same locality were before this court in W.P.(C) No.12567/2007. The learned Single Judge while entertaining the writ petition had granted an interim order and at the request of the respondents, the same came to be modified. Aggrieved by the modified order those petitioners were before this court in W.A.No.1123/2007. This court by order dated 25th May, 2007 rejected the writ appeal and confirmed the modified interim order passed by the learned Single Judge.

3. Others who are residing in the same locality have approached this court for the very same reliefs which we have negatived in W.A.No.1123/2007. There cannot be inconsistent orders. Therefore, we cannot be entertaining this writ petition. Accordingly, it requires to be rejected and it is rejected.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

mt/